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REMARKS

This Amendment is being submitted in response to the Official Action dated August 31 2008. No claims are amended. Claims 9 through 24 having been previously withdrawn in response to a restriction/election requirement, claims 1-8 remain pending in this application.

The Examiner rejected claims 1-3 under 35 U.S.C. 103(a) as being unpatentable in view of U.S. Patent No. 4,485,494 (Garment) to Segol. The Examiner contends that Segol discloses all elements of claims 1 through 3 or that such elements are well known in the art. Applicant disagrees. Careful inspection of the Segol application reveals that the garment disclosed therein is not constructed in the manner asserted by the Examiner. Further, due to the unique construction of the Segol garment in keeping with the religious requirements of Halakah, or Jewish religious law, the garment is physically incapable of disclosing the element for which the Examiner affords it credits.

According to the Examiner, Segol discloses hand-warmer pockets located on the front of the garment at the breastbone level. The Examiner further asserts that the actual pocket openings 25 of Segol are below the uppermost portion of the pocket itself such that the hand of the wearer could be inserted in an upward position as with the hand-warmer pocket of the present invention. Such is not the case. Being a "four cornered" tzitzioth garment, the Segol garment is constructed of overlapping fabric panels, specifically front piece 11 and back piece 12. The pocket 19 is created by stitching the panels together at the topmost portion of back panel 12 where it overlaps front panel 11 at the wearers chest. The pocket is bounded by stitched seams 20, 21, 22, 23 and 24, as depicted in figure 1 by dashed lines. No portion of pocket 19, as outlined by seams 20 - 24, is above opening 25 such that it would be impossible to insert the hand of the wearer into the

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pocket in an upward manner. Pocket 19 is plainly depicted in figure 2 as being between the front and back pieces, 11 and 12 respectively and being entirely below the pocket opening 25 (not labeled in Figure 2 although flap 27 indicates its position). The top of Front piece 11 ends at the pocket opening 25 such that the pocket must also end at that point, there no longer being two panels between which to make the pocket.

Not only would it be impossible to insert the hand of the Segol garment wearer in the pocket in the manner depicted in Figure 6 of the present application (right hand in right breast pocket), it would be very difficult, and uncomfortable, if not ridiculous, to reach across the chest and place the left hand of the wearer in the right breast pocket, or *vice-versa*. The fact that the pocket is below the opening, requiring the arm to be lifted unnaturally and uncomfortably high, and the angle of the opening both make this beyond the teaching of the disclosure.

The Examiner indicates that no criticality is given to the recited angle of the pocket opening with the horizontal as being within the range of from 15 to 20 degrees. This is error in as much as the pocket inclination is a function of the inherent geometry of the human form. This angle range is recited because it presents the pocket opening at a right angle to the wearer's forearm/hand for easy insertion and comfortable positioning when the upper arm is at rest at the wearer's side. It is inherent in human physiology that when the arm is allowed to comfortably rest at one's side and the forearm is curled up to the breastbone, a 70 to 75 degree angle to the horizontal is formed. In order to orient the pocket at a 90 degree angle to the forearm so as to present the full width of the opening for ease of insertion and comfort, the pocket opening is best inclined at a corresponding 15-20 degrees.

Considering these remarks, it is respectfully submitted that Segol does not teach

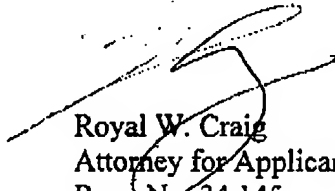
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that which the Examiner gives it credit for. Segol simply fails to teach or suggest hand-warmer pockets located on the front of the garment at the breastbone level with openings disposed at 15-20 degrees to the horizontal for upward insertion of the hand and is thus an improper foundation which to base the rejection. Thus, claim 1 is patentably distinguished.

Claims 2 through 8 are but additional recitations dependent on claim 1 and are therefore similarly patently distinguished from Segol in combination with Snedeker.

In view of the above, pending claims 1-8 are believed to avoid all the rejections set forth in the Official Action. It is believed that this application is now in the proper condition, and a Notice of Allowance is respectfully requested.

Respectfully submitted,



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